

Appl. No.: 09/920,888  
Amdt. Dated June 2, 2009  
Reply to Office Action of 12/03/2008

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figs. 1 and 3-7. These sheets, which include Figs. 1 and 3-7, replace the original sheet including Figs. 1 and 3-7.

Attachment: Replacement Sheets (4)

## **REMARKS**

This amendment is submitted with a request for a three month extension and appropriate fee in response to the Office Action dated December 3, 2008.

Claims 7-10 and 12 currently stand rejected. Applicants have amended independent claims 7 and 12 to improve their form. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present invention.

### **Drawing Objection**

FIGS 1 and 3-7 have drawn objection for being of poor quality. Applicants have submitted replacement drawings herewith, and therefore request withdrawal of the objection.

### **Claim Rejections - 35 USC §103**

Claims 7-10 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McBride et al. (U.S. Patent No. 7,099,801, hereinafter "McBride") in view of Beerman, Jr. et al. (U.S. Patent No. 6,084,952, hereinafter "Beerman"). Claims 7-10 and 12 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Towell et al. (U.S. Patent No. 6,647,411, hereinafter "Towell") in view of Beerman.

Independent claim 10 recites, *inter alia*, an object device configured to use an identity tag to obtain address information via a network and authorize the downloading of information not otherwise addressed to any particular entity via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag. The other independent claims 7, 8 and 12 also include similar recitations.

Notably, Applicants' prior response was a request for Pre-Appeal Brief Conference Review, where Applicants' were apparently successful in demonstrating that Beerman, fails to teach or suggest using an identity tag to obtain address information via a network much less using an identity tag to obtain address information via the network and authorizing the downloading of information not otherwise addressed to any particular entity via the network to a remote server or terminal identified by the address information associated with the identity tag,

in response to receipt of the identity tag as set forth in the independent claims of the present application. The current Office Action apparently attempts to cure this deficiency of Beerman by citing either McBride or Towell as bridging this gap between Beerman and the claimed invention. However, Applicants respectfully submit that both McBride and Towell also fail to teach or suggest this feature.

McBride is directed to a medical testing Internet server system that provides processes medical test data that is uploaded from remote locations via the Internet. The results of the processing are then downloaded to a user's apparatus also via the Internet. The Office Action cites the disclosure of McBride in FIG. 1 and at col. 7, lines 19-35 and 46-67 (which describe FIG. 3) as disclosing the above underlined feature of the claimed invention. However, the cited passages of McBride only discuss the use of a PIN number by a patient to access a menu screen. In this regard, the PIN number, if registered, enables the user to access the menu screen (see operations 307 and 315 of FIG. 3 and corresponding description at col. 7, lines 32-35). At the menu screen, the patient can select a test and the server then downloads the selected testing program at operation 317. After downloading the test programs, McBride indicates that the server may relinquish the Internet connection to the patient and later establish the Internet connection again at steps 319 and 321. After test data is uploaded from the patient and processed, the server downloads reports to the patient at step 329 (col. 7, lines 51-56).

McBride further discloses that the server obtains Internet addresses from its database of pre-authorized medical practitioners (step 331 and col. 7, lines 56-58) and downloads reports to these addresses. However, these addresses are explicitly disclosed as being in databases of the server and are in no way related to any identity tag of the patient. In this regard, if the PIN number is seen as corresponding to the claimed identity tag, then the PIN would need to be used to obtain the Internet addresses of the pre-authorized medical practitioners in order to meet the claimed feature, but this is not the case. There is no relationship between the PIN number and the Internet addresses of the pre-authorized medical practitioners. Thus, McBride fails to teach or suggest using an identity tag to obtain address information via the network and authorizing the downloading of information not otherwise addressed to any particular entity via the network to a remote server or terminal identified by the address information associated with the identity tag,

in response to receipt of the identity tag as set forth in the independent claims of the present application.

Towell is directed to a secure cached subscription service. In this regard, Towell discloses a system for enabling downloaded content such as video on demand to be provided to a user. The Office Action cites col. 7, lines 40-51 of Towell as disclosing the above underlined feature. However, the cited passage of Towell merely describes the operation of an authentication manager that sends a user/device identification and password to a content provider in response to a request by the user/device for a download of information. If the user/device has the appropriate level of access, the content provider downloads the information to a caching device. Thus, it appears as though the Office Action alleges the user/device identification to correspond to the claimed identity tag. However, the user/device identification of Towell is not used to obtain any address information, much less obtain address information via a network. In this regard, there is no disclosure at all in Towell that suggests the use of the user/device identification to obtain address information. More particularly, there is no disclosure of Towell that suggests using the user/device identification to obtain address information associated with the identity tag and identifying a remote server or terminal. Thus, Towell also fails to teach or suggest using an identity tag to obtain address information via the network and authorizing the downloading of information not otherwise addressed to any particular entity via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag as set forth in the independent claims of the present application.

Since Beerman, Towell and McBride each fail to teach or suggest using an identity tag to obtain address information via the network and authorizing the downloading of information not otherwise addressed to any particular entity via the network to a remote server or terminal identified by the address information associated with the identity tag, in response to receipt of the identity tag as set forth in the independent claims of the present application, any combination of Beerman, Towell and McBride also fails to teach or suggest such feature. Thus independent claims 7, 8 10 and 12 are patentable over Beerman, Towell and McBride, alone or in combination. Dependent claim 9 depends directly from independent claim 8 and therefore

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includes all the recitations of independent claim 8. Thus, dependent claim 9 is patentable for at least those reasons given above for independent claim 8. Therefore, Applicants respectfully submit that the rejections of claims 7-10 and 12 are overcome.

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### **CONCLUSION**

In view of the amendment and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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